

TRANSLATION

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY
(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference P01-04064WO	FOR FURTHER ACTION	See Form PCT/IPEA/416
International application No. PCT/JP2004/014190	International filing date (day/month/year) 28.09.2004	Priority date (day/month/year) 30.09.2003
International Patent Classification (IPC) or national classification and IPC G11B7/24		
Applicant PIONEER CORPORATION		

1.	This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.	
2.	This REPORT consists of a total of <u>5</u> sheets, including this cover sheet.	
3.	This report is also accompanied by ANNEXES, comprising: a. <input checked="" type="checkbox"/> (sent to the applicant and to the International Bureau) a total of <u>6</u> sheets, as follows: <div style="margin-left: 20px;"><input checked="" type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions). <input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box. b. <input type="checkbox"/> (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).</div>	
4.	This report contains indications relating to the following items: <div style="margin-left: 20px;"><input checked="" type="checkbox"/> Box No. I Basis of the report <input type="checkbox"/> Box No. II Priority <input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability <input type="checkbox"/> Box No. IV Lack of unity of invention <input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement <input type="checkbox"/> Box No. VI Certain documents cited <input type="checkbox"/> Box No. VII Certain defects in the international application <input type="checkbox"/> Box No. VIII Certain observations on the international application</div>	

Date of submission of the demand	Date of completion of this report
Name and mailing address of the IPEA/JP	Authorized officer
Facsimile No.	Telephone No.

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International application No.

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Box No. I Basis of the report

1. With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
- ☐ This report is based on translations from the original language into the following language _____, which is the language of a translation furnished for the purposes of:
- ☐ international search (Rule 12.3 and 23.1(b))
- ☐ publication of the international application (Rule 12.4)
- ☐ international preliminary examination (Rule 55.2 and/or 55.3)
2. With regard to the elements of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:
- ☐ the international application as originally filed/furnished
- ☒ the description:
- pages 1, 3-30 as originally filed/furnished
- pages* 2, 2/1 received by this Authority on 21.07.2005
- pages* _____ received by this Authority on _____
- ☒ the claims:
- nos. _____ as originally filed/furnished
- nos.* _____ as amended (together with any statement) under Article 19
- nos.* . 1, 2, 6, 8-11, 13, 14 received by this Authority on 21.07.2005
- nos.* _____ received by this Authority on _____
- ☒ the drawings:
- sheets 1/7-7/7 as originally filed/furnished
- sheets* _____ received by this Authority on _____
- sheets* _____ received by this Authority on _____
- ☐ a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.
3. ☒ The amendments have resulted in the cancellation of:
- ☐ the description, pages _____
- ☒ the claims, nos. 3-5, 7, 12, 15, 16
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to sequence listing (*specify*): _____
4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
- ☐ the description, pages _____
- ☐ the claims, nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to sequence listing (*specify*): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

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Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement

1. Statement

Novelty (N)

Claims

YES

Claims

1, 2, 6, 8-11, 13, 14

NO

Inventive step (IS)

Claims

YES

Claims

1, 2, 6, 8-11, 13, 14

NO

Industrial applicability (IA)

Claims

1, 2, 6, 8-11, 13, 14

YES

Claims

NO

2. Citations and explanations (Rule 70.7)

Document 1: JP 2001-283470 A (Pioneer Electronic Corp.),
12 October 2001

Document 2: JP 2003-217169 A (Raitoku Kagi Kofun Yugen
Koshi), 31 July 2003

The applicant asserts that document 1 does not disclose or suggest the feature of recording management information which pertains to the data that is necessary to form and recognize the visual information for identifying and managing the optical recording medium, as opposed to the content data that is recorded upon and/or reproduced from the optical recording medium.

However, document 1 is referring to the data that is necessary to form and recognize the visual information for identifying and managing the optical recording medium, and not to the content data that is recorded upon and/or reproduced from the optical recording medium, when said document discloses:

a step (S102) for determining what type of disk has been mounted from the TOC data (Dt2), which is table of contents information that has been reproduced from the disk (DSC) for recording and/or reproducing the data that is necessary to form and recognize the visual information

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for identifying and managing the optical recording medium, and not the content data that is recorded upon and/or reproduced from the optical recording medium (refer to paragraphs [0053] and [0054]);

a step (S114) for moving the pickup (28) to a recording start address on the disk (DSC) (or, in cases when data has already been recorded upon the disk (DSC), to an address on the disk (DSC) that accommodates the previously recorded data) and then starting to record the data by means of the pickup (28) (refer to paragraphs [0059] and [0060]);

and a step for completing the data recording process, said step including a step wherein the table of contents information, which pertains to the data (D1) that has been recorded in the past, is written to the read-in area of the disk (DSC) along with the TOC data (Dt2), and then data is further recorded in the read-out area (refer to paragraphs [0063] and [0064]), etc.

Therein, the constituent features are merely described using different expressions (terminology); for example, there is no substantial difference between the "recording layer information which indicates that the recording layer is a visible information recording layer," as set forth in claim 1, and the "TOC data (Dt2), which is table of contents information," as disclosed in document 1 (as is apparent from the fact that both items are used in order to determine what type of disk has been mounted). The same is true with regards to the other sets of information.

Such being the case, the inventions set forth in claims 1, 2, 6, 8 to 11, 13 and 14 are either

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substantially the same as the inventions that are disclosed in document 1 and document 2, or would have been easy to conceive of in the light of the inventions that are disclosed in documents 1 and 2.